

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELANEY BRYANT et al.,

Plaintiffs,

-against-

BUFFALO EXCHANGE, LTD.,

Defendant.

23-CV-08286 (AS)

Order

ARUN SUBRAMANIAN, United States District Judge:

Section 198(1-a) of the New York Labor Law lets an employee “recover the full amount of any underpayment … [and] an additional amount as liquidated damages equal to one hundred percent of the total amount of the wages found to be due.” But Plaintiffs do not seek recovery of any wages; they ask for liquidated damages only. By **Friday, June 28, 2024**, Plaintiffs should submit a letter to the Court, not to exceed five single-spaced pages, explaining why they are entitled to liquidated damages when the “total amount of the wages found to be due” can only be \$0, as Plaintiffs are not seeking any wages.

Plaintiffs should also explain why the “full amount of any underpayment” is not simply the amount of interest that accrued on the late wages. Plaintiffs should cite any authority holding that Plaintiffs can recover liquidated damages equal to 100% of their total wages rather than 100% of the *interest* on their late wages. Finally, Plaintiffs should explain whether this court has subject-matter jurisdiction if Plaintiffs are limited to a recovery equal to 100% of the interest on their late wages. Plaintiffs should explain why it is plausible that the amount in controversy exceeds \$5,000,000.

Defendants should submit a response of equal length by **Tuesday, July 2, 2024**.

SO ORDERED.

Dated: June 26, 2024

New York, New York


ARUN SUBRAMANIAN
United States District Judge